



## **CBD – Central Business District**

### **Section 7-8-18 – Unified Development Ordinance City of Asheville Zoning Districts**

(a) *Purpose.* It shall be the purpose of the Central Business District to reinforce the downtown as the urban center of Asheville and Western North Carolina, encouraging private and public investment which will preserve the Central Business District as the primary retail, office, hotel, institutional, cultural and entertainment center of our community. It is further the purpose of this district to encourage a strong supportive retail center along with high density residential development which will complement other downtown uses and surrounding neighborhoods. A high priority is placed on design, integrating new uses into and with existing architecture in a respectful and cohesive manner. Design review guidelines in place for the downtown area remain as a companion document for urban design decisions. Development within this district should facilitate the circulation patterns and needs of individuals and business alike. A well-balanced transportation system for this district must recognize the importance of all forms of movements, be it pedestrian, bicycling, transit, automobile, or truck in nature.

(b) *Permitted uses.*

#### Residential.

- Accessory apartments
- Dwellings, multi-family

#### Recreational.

- Arboretums
- Passive parks
- Recreational uses, governmental
- Recreational uses, commercial indoor
- Recreational uses, related to residential development
- Recreational uses, restricted to membership, non-profit

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## Institutional.

- Adult day care centers
- Adult day care homes
- Assisted living facilities
- Child day care centers
- Child day care homes
- Civic, social service, and fraternal facilities
- Colleges and universities
- Dormitories
- Family care homes
- Fraternity and sorority houses
- Group homes
- Hospitals and medical centers
- Orphanages
- Places of worship
- Schools
- Shelters
- Vocational and training schools

## Public/semi-public.

- Amphitheaters and auditoriums
- Community centers
- Convention and conference centers
- Exhibition halls
- Fire/police stations
- Government buildings
- Libraries
- Museums
- Post offices
- Public utilities and related facilities
- Stadiums and arenas
- Transportation terminals

## Office/business.

- Automobile rental
- Automobile service stations
- Bakeries
- Barber shops and salons
- Bars, nightclubs
- Bed and breakfast homestays
- Bed and breakfast inns
- Bicycle shops
- Boardinghouses
- Bookstores

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Candy, pastry, ice cream and snack shops  
Clinics, medical, dental, psychiatric, optical  
Clinics, veterinary  
Convenience stores  
Copying centers  
Delicatessens  
Distributive businesses  
Financial institutions  
Florists  
Fruit and vegetable markets  
Funeral establishments  
Gift shops  
Grocery stores  
Hardware/garden supply stores  
Health and fitness facilities  
Home occupations  
Industrial equipment sales  
Instructional services  
Laboratories  
Laundry and dry cleaning establishments  
Lodging facilities  
Offices  
Pharmacies  
Printing and publishing  
Radio and television studios  
Research and technology production uses  
Residential related commercial services  
Retail sales  
Studios, galleries and workshops for artists, designers,  
photographers  
Tailors/dressmaker shops  
Tattoo parlors  
Taxi stands  
Theaters  
Video rental stores  
Wholesale sales

Other.

Accessory structures  
Cemeteries, columbariums  
Skywalks/pedestrian bridges when crossing over alleys or private  
property  
Parking decks  
Parking lots

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(c) *Prohibited uses.*

Outdoor storage or outdoor warehousing (excluding automobile or cycle sales and leasing)

Adult establishments

Skywalks/pedestrian bridges over key pedestrian streets

Any use not specifically listed as a permitted use or a use by right, subject to special requirements, or a conditional use in the Central Business District is prohibited

Gated communities. This shall not include those gated communities lawfully established prior to June 12, 2007, or extend to those properties acquired as part of such communities prior to June 12, 2007, provided it can be demonstrated that these properties were included in a documented community masterplan.

(d) *Uses by right, subject to special requirements.*

Antenna

Assembly, production, and light manufacturing

Motor vehicle and boat service and repair

Repair and service businesses

Restaurants

Skywalks/pedestrian bridges when crossing over streets not included on the key pedestrian streets map

Stables

Townhouses

Wireless telecommunication facilities, concealed

Wireless telecommunication facilities, co-located

Wireless telecommunication facilities, microcell

(e) *Conditional uses.*

Automobile sales, new and used

Balcony encroachments which extend into the public right-of-way beyond three feet

Detention facilities, jails, and related correctional facilities

Other governmental uses

Level III projects incorporating uses permitted in the Central Business District

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(f) *Development standards.*

- (1) *Density standards.* None.
- (2) *Structure size standards.* None.
- (3) *Lot size standards.* None.
- (4) *Lot width standards.* None.
- (5) *Setback standards.* The following minimum setbacks shall be required for uses in the Central Business District.

Front:

Minimum setback: Zero feet from the right-of-way line.

Maximum setback: Zero feet from the right-of-way line. The following exceptions to the maximum setback may be permitted. The planning and development director or the downtown commission as applicable may consider allowing greater setbacks in other areas under one or more of the following circumstances:

- a. A setback of up to 50 feet from the edge of the curb may be approved for places of worship, civic and governmental buildings, and residential projects that will provide a public space, such as a courtyard or plaza space.
- b. A setback of up to 20 feet for uses in the district providing courtyard or plaza spaces in the setback area.

Courtyard and plaza areas may include landscape areas but shall also include hardscape-paving elements. The main facade of these structures must face this setback area.

- c. An adopted plan or other official document of the city recommends a greater setback.
- d. A greater setback is determined by the downtown commission as part of a design review process.

Side: None required.

Rear: None required.

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- (6) *Impervious surface standards.* None.
- (7) *Height standards.* There shall be no maximum height standard for new structures in the Central Business District. A minimum of two stories above primary street grade shall be required for all new structures in the Central Business District. In situations where steep slopes make a consistent building height as measured from the sidewalk a challenge, the minimum two stories height will be measured at the point of primary entry into the building.
- (8) *Landscaping/buffering standards.* Landscaping and/or buffering shall be provided as required by section 7-11-3 of this chapter. As a substitute for the parking lot landscape buffer from the street, a street wall may be provided at a minimum height of three feet tall in place of the required shrubs.
- (9) *Parking/loading standards.* Loading facilities shall be provided as required by section 7-11-2 of this chapter except that they are not permitted on the primary street frontage lines along key pedestrian streets. There shall be no requirements for off-street parking in the Central Business District. No parking is allowed between the building and any abutting street.

Parking garages placed on a key pedestrian street according to the Key Pedestrian Streets Map shall provide a full habitable story and use along the street-side facade(s) with a minimum depth of 20 feet or shall comply with the design and operation standards for openings along the first floor and design organization requirements for new construction.

- (10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter. In general, sidewalks shall be a minimum of ten feet wide or the city engineer may approve an alternative width based on context of street and block. Narrower sidewalks may be approved in cases where there is insufficient space for a larger sidewalk.
- (11) *Access standards.* Vehicular entries shall be a maximum of 24 feet in width. In addition driveway curb cuts are limited to a single standard driveway per 200 feet along a block face per development. Automobile access and services from a rear alley are encouraged. The city engineer shall make the final

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determination regarding access standards for situations where strict compliance is difficult while assuring the goals of a strong pedestrian environment in the CBD area.

(12) *Recreational/open space standards.* None.

(13) *Design and operation standards.*

- a. The following requirements apply to all new construction in the CBD:

Corner lots: buildings are to be placed at the corner, except as provided in subsection (f)(5) of this Code.

Pedestrian entrances: All buildings shall have their principal pedestrian entrance on a frontage line.

The first floor of all new structures located in the Central Business District shall be designed in a way that a minimum of 50 percent of the length of the first floor street frontage incorporates either windows, doors, or openings to complement pedestrian scale activity. Where expanses of solid wall are necessary, they may not exceed 20 feet in length. Glass may be tinted but shall not be reflective.

Design organization: New construction shall demonstrate a building design organization on each facade such as but not limited to a base-middle-cap organization, vertical articulation or other organizing principle.

Street furnishings: Street furnishings placed in the public right-of-way shall be approved by the department of public works and will include but not be limited to benches, tree grates, lighting fixtures and waste receptacles.

Satellite dish antennas shall be roof mounted, of a size not to exceed 15 feet in diameter, and neutral in color.

Mechanical equipment and appurtenances necessary for the function of the building shall be enclosed and screened or otherwise designed to be integral with the overall building design, including but not limited to elevators, stairs cooling towers and vent stacks.

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The design of the base of a building, as well as the quality and durability of its materials, shall be emphasized at the first floor of structures. Exterior Insulation and Finish Systems (EIFS) are prohibited as a base material.

Private dumpsters and free-standing service equipment shall be screened by solid partitions or other screening.

- b. Development on key pedestrian streets shall meet the following requirements.

For new development, buildings are required to be constructed along a minimum of 80 percent of the frontage line of the lot. This standard is not intended to restrict site access especially for smaller lots. Access is covered under access standards above. On corner lots the 80 percent frontage requirement applies to the primary street.

For mixed-use projects, the building facade at sidewalk level shall be detailed and glazed as storefronts for a minimum of 70 percent of the facade. Facades at the second floor and above, the glazed area and all other openings shall be at least 20 percent of the total area of such facade with each facade being calculated independently.

- (14) *Downtown Design Review Guidelines.* All construction work requiring building, sign, demolition, and zoning permits and projects requesting a variance, within the downtown boundaries designated by the Asheville City Council, shall be submitted for mandatory review, voluntary compliance with the adopted Downtown Asheville Design Review Guidelines, with the exception of locally designated historic landmarks which shall be reviewed by the Historic Resources Commission of Asheville and Buncombe County in accordance with the applicable review procedures of the Historic Resources Commission.

- (15) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

(Ord. No. 2369, § 1, 5-27-97; Ord. No. 2539, § 1, 1-26-99; Ord. No. 2589, § 1(b), 7-13-99; Ord. No. 2663, § 1(g), 2-8-00; Ord. No. 2664, § 1(r), 2-8-00; Ord. No. 2792, § 1(b), 2-13-01; Ord. No. 2872, § 1(b), 11-27-01; Ord. No. 2904, § 1(r), 3-12-02; Ord. No. 3002, § 1b, 2-25-03; Ord. No. 3156, §

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1, 8-24-04; Ord. No. 3157, § 1(a)(4), 8-24-04; Ord. No. 3209, § 1b, 1-25-05; Ord. No. 3272, § 1(b), 7-26-05; Ord. No. 3337, § 1(b), (c), 2-28-06; Ord. No. 3350, § 1, 7-25-06; Ord. No. 3390, § 1(b) 9-12-06; Ord. No. 3483, § 1(b), 6-2-07; Ord. No. 3572, § 1(k), 1-8-08; Ord. No. 3583, § 1(a), 2-12-08; Ord. No. 3643, § 1b, 7-22-08)

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